

REMARKS

Claims 1-19 are pending in the application. Applicant confirms election to Group I, claims 1-19, without traverse. Claims 20-25 have been withdrawn from consideration. Independent claims 1, 6, 9, and 12, have been amended. Claim 2 has been canceled. No new matter is presented. Reconsideration is respectfully requested.

Information Disclosure Statement

The Information Disclosure Statements bearing a date stamp 1/11/2005, 2/8/2005, 2/28/2005, and 8/10/2005 appear to have been duplicated by the Office and were not submitted by Applicant on those dates. The Examiner is correct in that these Information Disclosure Statements are duplicates of ones filed by Applicant and considered by the Examiner.

Allowable Subject Matter

Claim 2 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any of the intervening claims. Applicant has incorporated the subject matter of claim 2 in amended claim 1 and canceled claim 2. Further, with respect to independent claims 6 and 9, the subject matter of claim 2 also has been added to those claims. With respect to independent claim 12, the subject matter of claim 2, in substance, has been added to claim 12. Accordingly, it is believed that all of the independent claims contain allowable subject matter as recited in claim 2.

Claim Rejections Under 35 U.S.C. § § 102(b) and 103(a)

Claims 1, 3, 6, 7, and 9-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Vanden Hoek et al. (U.S. Patent No. 6,293,906). Claims 1, 3, and 5-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Tovey (U.S. Patent No. 5,405,360). Claims 12-19 have been rejected under 35 U.S.C. § 103(a) as being

unpatentable over Vanden Hoek et al. in view of Tovey (U.S. Patent No. 5,405,360). Claims 1 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Taheri (U.S. Patent No. 6,620,095) in view of Vanden Hoek et al. It also appears that the Examiner intended to reject claims 3-6 as being unpatentable over Taheri in view of Vanden Hoek et al. as set forth on page 8 of the Office action. Further, claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Taheri in view of Vanden Hoek as applied to claims 1 and 3-6 above and further in view of Tovey. Applicant respectfully traverses. Applicant has amended independent claims 1, 6, 9, and 12 to include the allowable subject matter recited in now-canceled claim 2. Accordingly, it is believed that the amended independent claims, along with the claims that depend therefrom, all contain allowable subject matter over the art. Accordingly, it is respectfully urged that the claim rejections under 35 U.S.C. §§ 102(b) and 103(a) have been overcome.

Double Patenting

Claims 1 and 3-19 have been rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,579,226. Further, claims 1 and 3-19 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 21-25 of co-pending U.S. Serial No. 11/109,528. Applicant respectfully traverses. As previously stated, the independent claims have been amended to include allowable subject matter. Accordingly, the independent claims, and the claims that depend therefrom, all contain allowable subject matter thereby obviating the double patenting rejection.

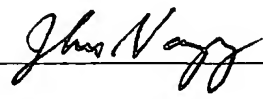
Conclusion

Claims 1 and 3-19 remain pending in the application. All of the claims contain allowable subject matter and it is respectfully requested that the application be passed to

issue. If a telephone conference would facilitate prosecution of the application, the undersigned can be reached at (310) 824-5555.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John S. Nagy
Registration No. 30,664

JSN:jeb

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
142255.1